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PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/742,578	
	Filing Date	December 21, 2000	
	First Named Inventor	Ozluturk et al.	
	Group Art Unit	2631	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	10	Attorney Docket Number	I-2-0091.7US

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Frank A. Mazzeo Volpe and Koenig, P.C.	Reg. No. 46,259
Signature		
Date	January 2, 2003	

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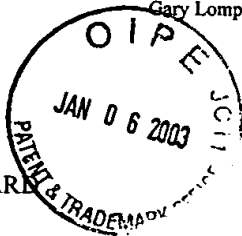
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,791	02/27/2002	Gary Lomp	I-2-0096.4US	8478

24374 7590 12/30/2002

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ART UNIT

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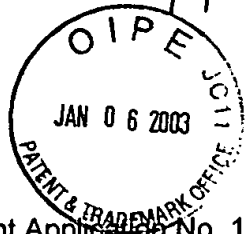
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"1-2-96NO"

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12.12.2002

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Norwegian Patent Application No. 19976095,  
Interdigital Technology Corporation

Translation of Official Action  
dated 5 December 2002

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**OFFICIAL ACTION REGARDING PATENT APPLICATION NO. 19976095 (to be used as a reference when responding)**

**Conclusion**

The application would be capable of maturing into patent, but the present (new) claims cannot be allowed in their existing form.

**Result of Search**

The novelty examination is based on new claims submitted on 12 February 2002, and the following patent document is cited:

D1: WO 92/21196

**Assessment of Patentability**

D1 describes a system for adaptive power control of a communication transmitter in a first communication station, which operates in a cellular communication network that utilizes spread-spectrum modulation, where a second communication station receives spread-spectrum signals transmitted from the first station, wherein the second station measures the signal power of the received spread-spectrum signal, measures an average of the total power received in the channel, and measures noise power by determining the received transmission signal quality in the channel, and compares signal power, the average power and transmission signal quality in order to generate signals based on the comparison so as to form data messages that are transmitted from the second station to the first station, where there are included receiver circuits for the data messages and equipment for adjusting the first station's transmitter power level in response to the data message, in order to send the spread-spectrum signal in the channel to the second station by the communication transmitter in the first station.

**Novelty:**

The independent claims 1, 9, 13, 15 and 21 disclose – beyond D1 – that the signal power, the noise power and average total power are compared, and that an error signal based on the comparison is generated – a feature that has novelty.

**Inventive step:**

The invention that is disclosed by the independent claims is basically considered to contain an inventive step, but the way these features are formulated this is not clearly apparent.

**Formal Deficiencies**

In the independent claims 1, 9, 13, 15 and 21 it is disclosed that the signal power, the noise power and average total power are compared, and that an error signal based on the comparison is

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generated, but no further details are disclosed showing how this signal comparison is carried out and how the error that is in the error signal becomes apparent through the comparison, nor how the error signal is generated from the established error by means of the comparison.

**Action Required**

The formal deficiencies must be overcome.

For this to be done, new and clarified claims must be submitted.

For your information with regard to possible revision, we can refer to the formulation of the claims in EP-patent no. 836 770 B1 (a copy of the claims is attached), which has resulted from the corresponding application in EPO.

# Notice of References Cited

Application/Control No.

10/083,791

Applicant(s)/Patent Under Reexam

Lomp et al.

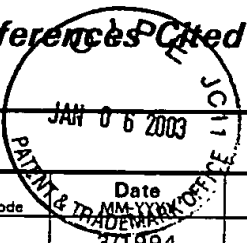
Examiner

Temesghen Ghebretinsae

Art Unit

2631

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## U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Name	Classification <sup>2</sup>	
A	5,299,226	3/1994	Schilling	375	130
B	5,878,329	3/1999	Mallinckrodt	455	69
C	6,212,174	4/2001	Lomp et al	370	335
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## NON-PATENT DOCUMENTS

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
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<sup>1</sup> A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

<sup>2</sup> Dates in MM-YYYY format are publication dates.

<sup>3</sup> Classifications may be U.S. or foreign.